



Judicial Council of California

Administrative Office of the Courts

Trial Court Financial Policies and Procedures

Policy No.
Page

FIN 14.01
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COURT SECURITY

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Court Security

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2.0 Purpose

(Revised 9/10)

The purpose of this policy is to define the security component of court operations that will standardize budgeting, billing, accounting practices, and identify allowable law enforcement security costs.

3.0 Policy Statement

(Revised 9/10)

Appropriate law enforcement services are essential to trial court operations and public safety. Accordingly, the trial court shall enter into a Memorandum of Understanding (MOU) with the sheriff regarding court security that specifies the agreed-upon level of security services to be provided, their associated costs, and terms of payment.

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4.0 Application

(Revised 9/10)

This policy applies to all trial court officials and employees, who are involved in developing and implementing financial plans for court security.

5.0 Definitions

(Revised 9/10)

Refer to the Glossary for the following key terms used in this policy.

Court Security Plan(s)
Contract Law Enforcement Template
Court Attendant(s)
Department of Finance (DOF)
Law Enforcement Security Plan(s)
Memorandum of Understanding(s) (MOU(s))
Rule 10.810
State Appropriations Limit (SAL)

6.0 Text

(Revised 9/10)

Government Code Section 69921.5 authorizes the Presiding Judge to contract with the sheriff or marshal, subject to available funding, for the level of law enforcement services that are necessary for the court.

6.1 Replacement of Rule of Court 10.810 Function 8

(Revised 9/10)

1. The Superior Court Law Enforcement Act of 2002 replaced Function 8 of California Rule of Court 10.810 with the intent of defining the court security function of court operations that leads to:
 - a. Standardized billing and accounting practices for court security.
 - b. Standardized court security plans.

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- c. The identification of allowable law enforcement security costs that counties may charge to the courts.
2. The allowable and unallowable costs listed in Function 8 of Rule 10.810 are replaced by the costs that are listed in Sections 6.2, Allowable Costs and 6.3, Unallowable Costs and discussed in the Contract Law Enforcement Template that is provided in 7.0, Associated Documents.

6.2 Allowable Costs

(Revised 9/10)

1. The types of costs listed below are allowable for trial courts to pay counties for law enforcement and public safety services as defined in the Superior Court Law Enforcement Act of 2002¹. (Chapter 1010, Statutes of 2002). The court is responsible only for allowable cost categories that were properly billed before the enactment of the Superior Court Law Enforcement Act of 2002. The sheriff may not bill the court for any new allowable cost categories listed herein until the court has agreed to the new cost and new funding has been allocated to the court for this purpose.

6.2.1 Sheriff's Services

1. **Perimeter Security Costs.** When mutually agreed by the court, county, and sheriff, the cost of perimeter security in any building that the court shares with any county agency (excluding the sheriff's department) shall be prorated based on the total non-common square footage occupied by the court and other county agencies.
2. **Law Enforcement Security Personnel Services.** The actual salaries and employer-provided benefits of sheriff's personnel engaging in court law enforcement functions include the cost of appropriate supervising and line personnel (up to the level of Captain), deputies, contractual law enforcement services, prisoner escorts within the courts (excluding time spent in the transportation

¹ Government Code (GC) §69927 (a)(2) through (a)(5) define allowable costs.

of prisoners or detainees to and from court), and weapons screening personnel. Actual salaries and benefits of individuals currently providing trial court law enforcement functions may include, but are not limited to:

(Revised 7/05)

- a. County health and welfare premium costs.
- b. County incentive payments.
- c. Employer deferred compensation plan costs.
- d. Employer's share of applicable FICA and Medicare taxes.
- e. General liability premium costs.
- f. Leave balance payout commensurate with an employee's time in court security services as a proportion of total service credit earned after January 1, 1998. (The sheriff is responsible for maintaining leave balance records for sheriffs' employees assigned to the trial court).
- g. Premium pay (i.e., bilingual pay, training officer pay).
- h. Employer retirement plan contributions.
- i. Employer state disability insurance premium costs.
- j. Employer unemployment insurance premium costs.
- k. Worker's compensation paid to an employee in lieu of salary as specified in Labor Code Section 4850.
- l. Worker's compensation premiums.
- m. Court required training.
- n. Supervisor approved overtime.

3. Equipment, Services and Supplies. The following items are allowable:

- a. The purchase and maintenance of security screening equipment

- b. The cost of this equipment is to be reported in this section and not in any other section of the Contract Law Enforcement Security Template even if covered by a salary allowance:
 - i. Ammunition
 - ii. Baton
 - iii. Bulletproof vest
 - iv. Handcuffs
 - v. Holster
 - vi. Leather gear
 - vii. Chemical spray and holder
 - viii. Radio
 - ix. Radio chargers and holders
 - x. Uniform
 - xi. One primary duty sidearm
4. **Vehicle Use for Court Security Needs.** The per mile recovery cost for actual miles incurred by vehicles driven by allowable personnel while rendering court law enforcement services, excluding the transportation of prisoners or detainees to and from court, are allowable. The standard mileage rate in effect for judicial officers and employees at the time of contract development shall apply.
- (Revised 9/10)
5. **Professional Support Staff for Court Security Operations.** The actual salaries, employer provided benefits, and overtime of sheriff provided staff performing support functions for court law enforcement services include, at a minimum, payroll, human resources, information systems, accounting, or budgeting. Costs for professional support staff shall be billed at actual costs incurred on the courts behalf not to exceed 1.5 percent of the court's security base budget.

6.2.2 Marshal's Services

Marshals are armed peace officers employed by some courts and are authorized to perform all court law enforcement functions. Marshal

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costs are law enforcement security costs that include actual salaries, benefits and other costs.

6.2.3 Court Attendants

Court attendant costs are allowable for court security services.

6.2.4 Court-Contracted Security

Court-contracted security services are actual costs associated with externally contracted security services.

6.3 Unallowable Costs

(Revised 9/10)

Examples of security costs that are unallowable are included in the attached Contract Law Enforcement Template (see 7.0, Associated Documents).

6.4 Contract Law Enforcement Template

(Revised 9/10)

1. The Contract Law Enforcement Template is a document that defines and accounts for allowable court security costs as described in Government Code §69927(a)(2) to (a)(6). The template replaces the definition of allowable and unallowable law enforcement costs in Function 8 of Rule of Court 10.810.
2. The sheriff or marshal provides the court security cost information as delineated in the annual survey of security costs. The cost information will be used to develop the security budget for the courts for the next fiscal year.
3. The trial court and the sheriff should discuss, understand, and come to mutual agreement on the costs as reflected in the Contract Law Enforcement Template and develop a budget based on funding availability.

4. With the implementation of the State Appropriation Limit (SAL) effective FY 2005–2006, trial courts no longer submit budget requests. However, in late spring, courts are required to submit the annual survey of security costs form for the next fiscal year. These forms will assist the court in reporting updated costs for previously funded positions. New costs cannot be added unless they are specially approved through the budget process.
5. The AOC Finance Division will submit to the Judicial Council on an annual basis, court-by-court security allocations, which shall be from the funding provided for security by the annual SAL adjustment for all trial courts. Upon enactment of the State Budget, allocations shall be provided only for those courts with confirmed changes in security costs. Funding for unconfirmed changes will remain as pending until the MOUs or contracts upon which the changes are based have been confirmed and AOC Finance Division staff has been notified. Court security allocations shall be based on staffing standards and funding caps as recommended by the Working Group on Court Security and approved by the Judicial Council. Any court security costs paid by the court in a particular fiscal year must be within the court's security allocation approved by the Judicial Council.
6. If the sheriff's law enforcement security costs increase, the court and sheriff must renegotiate service levels within the MOU to remain within the total contract dollar levels specified in the MOU. Notwithstanding, additional services deemed necessary by the court may be provided by the sheriff when funding is identified by the court and the MOU is amended.

6.5 Memorandum of Understanding

(Original 10/03)

1. The trial court shall enter into an annual or multiyear memorandum of understanding (MOU) with the sheriff regarding court law enforcement security services. At a minimum, the MOU shall specify the level of security services to be provided by the sheriff, the cost of those services to the trial court, and the terms of payment. Examples

of specific items that should be covered in the MOU include, but are not limited to:

- a. Identification of the type and level of law enforcement security services to be provided.
 - b. Number of personnel and classifications required (Direct and Support personnel).
 - c. Description of the basis for overtime, premium pay, holiday and other pays.
 - d. Terms of payment identifying when and how payments will be made.
 - e. A total “not to exceed” compensation amount for provision of services.
2. In years when the law enforcement security services MOU is scheduled to expire at the end of the fiscal year, negotiations for a new MOU should begin as early as necessary to ensure that an agreement is in place by July 1.
 3. If the court and sheriff are unable to enter into an MOU by August 1 of any fiscal year, either the court or sheriff may request a 45-day extension of negotiations that shall include the assistance of a mediator. The previous MOU shall remain in effect during the extended negotiation period. The Administrative Director of the Courts and the president of the California State Sheriffs’ Association shall mutually agree on the mediator who is assigned to assist the court and sheriff in resolving the MOU negotiations. (Revised 09/10) The costs of the mediation must be shared equally by the court and sheriff.
 4. Refer to Policy No. FIN 7.02 Memorandums of Understanding (MOUs), Interagency Agreements (IAs), and Intra-Branch Agreements (IBAs) for a discussion of issues that should be

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considered in the development, execution, and management of any MOU.

6.6 Court Security Administration

(Revised 9/10)

1. Sheriff's invoices for trial court law enforcement security services shall only include allowable costs as follows:
 - a. Salary and benefit costs will be documented at the actual cost for each sheriff-provided staff member on court assignment at time of service;
 - b. Equipment and services and supplies (S&S) costs will be documented at actual costs incurred on court assignment;
 - c. The sheriff's invoices will include a sufficient level of detail and provide documentation as shown in the attached example (7.0, Associated Documents Contract Law Enforcement Template).
2. Trial court personnel shall review the sheriff's invoices as described in Policy No. FIN 8.01 Vendor Invoice Processing and approve costs that are in accordance with the MOU and the guidelines provided in this procedure. Invoices, associated documentation, and payment records shall be available and subject to audit by the Judicial Council.
3. The trial court and court law enforcement security providers shall manage their resources to minimize the use of overtime.²

² GC §69927 (a)(5)(B)

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7.0 Associated Documents

(Revised 9/10)

Contract Law Enforcement Template with Allowable, non-Allowable, and Addendum Cost Narratives

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CONTRACT LAW ENFORCEMENT TEMPLATE

Attachment A -Contract Law Enforcement Template, Version 2 – Effective May 1, 2003

County:		FY	ENDED:		
DIRECT SECURITY:					
SECURITY PERSONNEL					
<i>Supervision Personnel</i>	FTE's	HOURS	SALARY	BENEFITS*	TOTAL COSTS
Captain	0	0	0	0	0
Lieutenant	0	0	0	0	0
Sergeant	0	0	0	0	0
Other Titles	0	0	0	0	0
Total Supervisors Direct Security: (Auto Field)	0	0	0	0	0
<i>Line Personnel</i>	FTE's	HOURS	SALARY/ CONTRACT	BENEFITS*	TOTAL COSTS
Deputies / Court Security Officers et al. Inside the courtroom	0	0	0	0	0
Deputies et al. / Perimeter Security / Escort	0	0	0	0	0
Weapons Screening Personnel	0	0	0	0	0
Contracted Security Services / Cost		0	0	0	0
Court Required Training		0	0	0	0
Total Line Personnel Direct Security: (Auto Field)	0	0	0	0	0
OVERTIME					
<i>Supervision Personnel</i>		HOURS	OVERTIME	BENEFITS*	TOTAL COSTS
Captain		0	0	0	0
Lieutenant		0	0	0	0
Sergeant		0	0	0	0
Other Titles		0	0	0	0
Total Supervisors Overtime: (Auto Field)		0	0	0	0
<i>Line Personnel</i>		HOURS	OVERTIME	BENEFITS*	TOTAL COSTS
Deputies / Court Security Officers et al. Inside the courtroom		0	0	0	0
Deputies et al. / Perimeter Security / Escort		0	0	0	0
Weapons Screening Personnel		0	0	0	0
Contracted Security Services		0	0	0	0
Court Required Training		0	0	0	0
Total Line Personnel Overtime: (Auto Field)		0	0	0	0
TOTAL HOURS AND COSTS SPENT ON OVERTIME (Auto Field)		0	0	0	0
TOTAL DIRECT SECURITY PERSONNEL COSTS (Auto Field)			0	0	0

* Benefits refer to Section III, No. 2

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CONTRACT LAW ENFORCEMENT TEMPLATE					
Attachment A – Contract Law Enforcement Template, Version 2 – Effective May 1, 2003					
County				FY ENDED:	.
PROFESSIONAL SUPPORT STAFF FOR COURT SECURITY OPERATIONS					
Hours/Cost of Staff Required Assistance In:					
		HOURS	SALARY	BENEFITS*	TOTAL COSTS
Payroll Processing Staff		0	0	0	0
Human Resources Staff		0	0	0	0
Information Systems Staff		0	0	0	0
Accounting Staff		0	0	0	0
Budget Staff		0	0	0	0
Court-mandated special project support		0	0	0	0
Total Professional Staff Costs (Auto Field)		0	0	0	0
OVERTIME					
		HOURS	OVERTIME	BENEFITS*	TOTAL COSTS
Payroll Processing Staff		0	0	0	0
Human Resources Staff		0	0	0	0
Information Systems Staff		0	0	0	0
Accounting Staff		0	0	0	0
Budget Staff		0	0	0	0
Court-mandated special project support		0	0	0	0
Total Professional Staff Overtime Costs (Auto Field)		0	0	0	0
SECURITY S&S & EQUIPMENT					
Purchased This Year:		COST			
Ammunition		0			
Baton		0			
Bulletproof Vest		0			
Handcuffs		0			
Holster		0			
Leather Gear		0			
Chemical Spray & Holder		0			
Radio		0			
Radio Charger/Holder		0			
Uniforms		0			
One Primary Duty Sidearm		0			
Purchase and Replacement of Safety Equipment: (Auto Field)		0			
Purchase & Maintenance for Security Screening Equipment		0			
VEHICLE USE FOR COURT SECURITY NEEDS					
# Vehicles used by Staff		0			
Miles Driven by allowable personnel		0			
Authorized cost per mile:		0			
Vehicle Recovery Cost: Auto Field		0			
Court security cost: Auto Field		0			

* Benefits, refer to Section III, No. 2.

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Sec I: Allowable Cost Narratives:

Note

SECURITY PERSONNEL:

Supervision Personnel

Captain
Lieutenant
Sergeant
Other Titles

Line Personnel

Deputies / Court Security Officers et al. Inside the courtroom
Deputies et al. / Perimeter Security / Escort
Weapons Screening Personnel
Contracted Security Services
Court Required Training

PROFESSIONAL SUPPORT STAFF FOR COURT SECURITY OPERATIONS

Payroll Processing Staff
Human Resources Staff
Information Systems Staff
Accounting Staff
Budget Staff
Court-mandated special project support

SECURITY Services and Supplies & EQUIPMENT

Purchase and Replacement of Safety Equipment:

Ammunition
Baton
Bulletproof Vest
Handcuffs
Holster
Leather Gear
Chemical Spray & Holder
Radio
Radio Charger/Holder
Uniforms
One Primary Duty Sidearm
Purchase & Maintenance for Security Screening Equipment

VEHICLE USE FOR COURT SECURITY NEEDS

Vehicles used by Staff
Miles Driven by allowable personnel
Authorized cost per mile:

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Sec I: Allowable Cost Narratives:	
Note	
PERSONNEL - DIRECT SECURITY	
1	Court security personnel approved in the budget or provided at special request of the court.
2	Salary, wages and benefits (including overtime) of sheriff, marshal, constable employees including, but not limited to, bailiffs, holding cell deputies, and weapons screening personnel.
3	SUPERVISORY LEVELS: Salary, wages, and benefits, of sheriff, marshal, and constable employees, up to and including the level of Captain, whose supervisory duties require 25% or more of their time on court security functions. Costs shall be based on the percentage of actual time spent in the supervision of court security staff. The cost of any supervisor working less than 25% in the court is not an allowable expense.
4	Security Personnel who: a) patrol hallways and other areas within court facilities, b) supervise prisoners in holding cells within court facilities, c) escort prisoners to and from courtrooms within the court facility, d) unique court operational and staffing issues (i.e. control rooms). Service levels for these functions are to be negotiated between the court and service provider.
5	Negotiated Salary Increases (NSIs) shall be included as well as projected NSIs for periods beyond the expiration of a signed personnel labor contract. No new funding will be provided until the MOU has been ratified and changes verified.
6	Contractual security services - non Government (e.g. private sector outsourced security).
OVERTIME	
7	Overtime coverage is allowable when regularly assigned court security personnel are absent for vacation, and court-required training.
8	Overtime necessary to maintain scheduled coverage and for extraordinary circumstances.

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9	Training, beyond basic training, for needs unique to the court security function and requested by the court (method of payment should be negotiated as part of a local MOU).
PROFESSIONAL SUPPORT STAFF	
10	Sheriff staff preparing security budgets for the courts or other human resources, financial, or administrative/clerical staff services for the security function of the courts (e.g., their service cost should be based upon the actual time dedicated to meeting requested services in the security function).
11	Salary, wages, and benefits of professional staff employees whose time is directly chargeable to court security needs and/or State budgetary requirements in support of trial court funding (this service may include, but is not limited to staff support of/for payroll processing, financial, administrative and clerical services, human resources, court-mandated information systems, court invoicing and billing, budget preparation, trial-court-related ad hoc reports, surveys, studies).
SECURITY Services & Supplies and EQUIPMENT	
12	Purchase of the following personnel safety equipment: Ammunition, Baton, Bulletproof Vest, Handcuffs, Holster, Leather Gear, Chemical Spray & Holder, Radio, Radio Charger/Holder, Uniforms, One Primary Duty Sidearm.
13	Purchase & Maintenance of security screening equipment.
VEHICLE USE FOR COURT SECURITY	
14	The mileage rate currently in effect by the State may be applied to the costs of allowable security personnel driving in the course of their normal duties (non-prisoner transport).

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Sec II: Non-Allowable Cost Narratives:	
Note	
1	Other sheriff or marshal employees (not working in the court).
2	County Overhead cost attributable to the operation of the sheriff/marshal offices. For example, indirect overhead (such as county CWCAP for cost recovery of county operations)
3	Departmental overhead of sheriffs and marshals that is not in the list of Sec I allowable costs.
4	Service and supplies, including data processing, not specified as allowable in Sec I.
5	Furniture
6	Basic training for new personnel to be assigned to court
7	Transportation and housing of detainees from the jail to the courthouse.
8	Vehicle costs used by court security personnel in the transport of prisoners to court .
9	The purchase of new vehicles to be utilized by court security personnel.
10	Vehicle maintenance (exceeding the allowable mileage reimbursement.)
11	Transportation of prisoners between the jails and courts or between courts.
12	Supervisory time and costs where service for the court is less than 25% of the time on duty.
13	Costs of supervision higher than the level of Captain, regardless of the amount of time they spend on court security supervision activities.
14	Service of process in civil cases.
15	Security outside of the courtroom in multi-use facilities which results in a disproportionate allocation of cost.
16	Any external security costs i.e, Security outside court facility, such as perimeter patrol and lighting.

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Sec II: Non-Allowable Cost Narratives:	
Note	
17	Extraordinary security costs (e.g, General law enforcement activities within court facilities and protection of judges away from the court).
18	Overtime used to staff another function within the sheriff's office if an employee in that function is transferred to court security to maintain necessary coverage.
19	Construction of holding cells or remodeling to improve existing cells.
20	Maintenance of holding facility equipment (not deemed as allowable elsewhere).
21	Facilities alteration or other than normal installation in support of perimeter security equipment.
22	Video arraignment equipment, including purchase and monthly overhead costs for equipment used for video arraignments (i.e., monthly telephone costs, fax, etc.)
23	Costs of workers compensation/disability payments to disabled sheriff or marshal employees who formerly provided security, while the full costs of those positions continue to be funded by the courts.

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Sec III: Addendum Narratives:	
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Note	
1	Security equipment that the State is obligated to fund includes, but is not limited to, Security equipment used within the court facility including metal detection devices, x-ray machines, magnetometers, OCTV, alarms, panic alarms, cameras, card-key systems, special courtroom devices for highly dangerous prisoners. Normal installation only is included. State funds may not be used for facility alterations (such as adding cable raceways, new doorways, and asbestos abatement prior to installation).

2	BENEFITS: This is a list of the allowable employer-paid labor-related employee benefits.
a	County Health & Welfare (Benefit Plans)
b	County Incentive Payments (PIP)
c	Deferred Compensation Plan Costs
d	FICA / Medicare
e	General Liability Premium Cost
f	Leave Balance Payout
g	Premium Pay (such as POST pay, location pay, Bi-lingual pay, training officer pay)
h	Retirement
i	State Disability Insurance (SDI)
j	Unemployment Insurance Cost
k	Workers Comp Paid to Employee in lieu of salary
l	Workers Comp Premiums

3	Item k represents a cost to the sheriff and a benefit paid to the employee when Workers Comp Premiums (item l) do not cover 100% of all workers comp instances. If the premiums (item l) cover all risk and the sheriff is not charged by the county as a result of that coverage, item k will be zero.
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4	" <u>Direct Security</u> " FTE's=Full Time Equivalent personnel. HOURS=Personnel not included as FTE (example Extra Help, Hourly, Contracted).
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5	" <u>Direct Security</u> " HOURS (except Overtime) = Personnel that would not otherwise be included as FTE's (example Extra Help and Hourly personnel).
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